

USPTO Customer No. 25280

Case 9292

DA 27W

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Dany Felix Maria Michiels
Serial Number: 10 / 815,343
Filed: April 1, 2004
For: **COMPOSITE ARTICLE AND ITS MANUFACTURE**

Group Art Unit: 1774
Examiner: Merrick L. Dixon

Mail Stop Petitions
Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

**PETITION UNDER 37 CFR 1.181(a)
TO WITHDRAW HOLDING OF ABANDONMENT**

Dear Sir :

In response to the Notice of Abandonment dated October 7, 2005, Applicant hereby submits a Petition under 37 CFR 1.181(a) to withdraw the holding of abandonment. Applicant also submits herewith evidence to support the withdrawal of the holding of abandonment of the above-referenced application.

SITUATION

The Patent Office has indicated that the application has been abandoned because a reply to the Final Office Action, mailed May 3, 2005, has not been received.

EVIDENCE

Applicant submitted a response to the Final Office Action, along with a Request for Continued Examination (PTO/SB/30, revised 04/05) and a Petition for Extension of Time (two month), on October 3, 2005. Applicant provides the following documents to support such an assertion:

- Copy of the response, including a Certificate of Facsimile Transmission, showing a transmission date of October 3, 2005
- Copy of the Request for Continued Examination transmittal, showing a transmission date of October 3, 2005
- Copy of the Auto-Reply Transmission facsimile receipt from the Patent Office, showing a receipt date of 14 pages on October 3, 2005
- Copy of a print-out from the Public PAIR system (USPTO web-site), showing receipt of the response, RCE transmittal, and Petition for Extension of Time on October 3, 2005
- Copy of a print-out from the USPTO web-site of the Deposit Account listing for Deposit Account No. 04-0500 for October 2005, showing that the fees for the RCE and the Extension of Time were deducted from Applicant's Account on October 4, 2005

In addition, Applicant wishes to point out that the time period for responding to the Final Office Action has not yet passed. The Final Office Action states, in part:

"A shortened statutory period for reply is set to expire 3 month(s) from the mailing date of this communication.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication."

It is Applicant's belief that the final due date for response to the Final Office Action mailed May 3, 2005, is November 3, 2005 (that is, six months from the mailing date). Thus, the Notice of Abandonment was mailed prematurely, even if a response had not been submitted.

PETITION REQUEST

Accordingly, since the period for reply has not lapsed, and since a response was filed before the deadline of November 3, 2005, Applicant respectfully requests that the holding of abandonment be withdrawn, based on the evidence provided herewith.

FEE AUTHORIZATION

The Commissioner is authorized to withdraw any applicable petition fee from Deposit Account No. 04-0500. Should any fees (other than petition fees) be required for this submission to be considered timely filed, the Commissioner is authorized to deduct such fees from Deposit Account No. 04-0500.

CONCLUSION

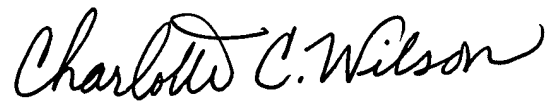
For the reasons set forth above, it is respectfully submitted that the holding of abandonment was in error and should be withdrawn and that the above-referenced application should be considered pending.

Should any issues remain after consideration of this Petition, the Office is invited and encouraged to telephone the undersigned in the hope that any such issue may be promptly and satisfactorily resolved.

Respectfully submitted,

Date: October 12, 2005

Legal Department
Milliken & Company
920 Milliken Road, M-495
Post Office Box 1926
Spartanburg, South Carolina 29304



Charlotte C. Wilson
Agent for Applicant
Registration No. 45,224
Tel. (864) 503-2194

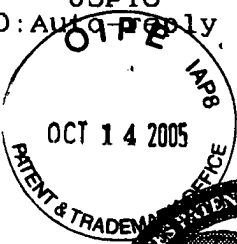
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Signature: Linda-Ann Manley

Name: Linda-Ann Manley

Date: October 12, 2005





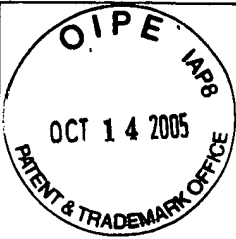
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10/03/2005 17:25 FAX 864 503 1999		MILLIKEN LEGAL DEPT		0001	
		Legal Department Milliken & Company, M-498 920 Milliken Road Post Office Box 1928 Spartanburg, SC 29304			
Fax					
To: Commissioner for Patents US Patent & Trademark Office Examiner: Merrick L. Dixon Art Unit: 1774		From:  Charlotte C. Wilson Agent for Applicants Registration No. 45,224			
Fax: (671) 273-8300		Fax: (864) 503-1999			
Phone: (571) 272-1520		Phone: (864) 503-2194			
Subject: US Patent Application # 107 815,343 Application of: Michiels "Composite Article and its Manufacture" Docket No.: 9292		Date: October 3, 2005			
Copies:		Pages: 14 (including coversheet)			
Comments: Please find as follows— Request for Continued Examination Transmittal (and copy): 2 pages Petition for Extension of Time (2 month): 1 page Response and Amendment: 10 pages					
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Fax

To: Commissioner for Patents
 US Patent & Trademark Office
 Examiner: Merrick L. Dixon
 Art Unit: 1774

From:

CCW
 Charlotte C. Wilson
 Agent for Applicants
 Registration No. 45,224

Fax: (571) 273 - 8300

Fax: (864) 503 - 1999

Phone: (571) 272 - 1520

Phone: (864) 503 - 2194

Subject: US Patent Application # 10 / 815,343
 Application of: Michiels
 "Composite Article and Its
 Manufacture"
 Docket No.: 9292

Date: October 3, 2005

Copies:

Pages: 14 (including coversheet)

Comments:

Please find as follows—

Request for Continued Examination Transmittal (and copy): 2 pages

Petition for Extension of Time (2 month): 1 page

Response and Amendment: 10 pages




Legal Department
Milliken & Company, M-495
920 Milliken Road
Post Office Box 1926
Spartanburg, SC 29304

Fax

To: Commissioner for Patents
US Patent & Trademark Office
Examiner: Merrick L. Dixon
Art Unit: 1774

From:


Charlotte C. Wilson
Agent for Applicants
Registration No. 45,224

Fax: (571) 273 - 8300

Fax: (864) 503 - 1999

Phone: (571) 272 - 1520

Phone: (864) 503 - 2194

Subject: US Patent Application # 10 / 815,343
Application of: Michiels
*"Composite Article and Its
Manufacture"*
Docket No.: 9292

Date: October 3, 2005

Copies:

Pages: 14 (including coversheet)

Comments:

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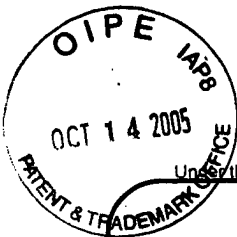
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Petition for Extension of Time (2 month): 1 page

Response and Amendment: 10 pages

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**Request
for
Continued Examination (RCE)
Transmittal**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10 / 815,343
Filing Date	April 1, 2004
First Named Inventor	Dany F.M. Michiels
Art Unit	1774
Examiner Name	Merrick L. Dixon
Attorney Docket Number	9292

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☒ Other Petition for Extension of Time (2 mos.)
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 04 -0500 I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
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WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Signature	<i>Charlotte C. Wilson</i>	Date	October 3, 2005
Name (Print/Type)	Charlotte C. Wilson	Registration No.	45,224

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Signature	<i>Charlotte C. Wilson</i>	Date	October 3, 2005
Name (Print/Type)	Charlotte C. Wilson		

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Request for Continued Examination (RCE) Transmittal

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Application Number	10 / 815,343
Filing Date	April 1, 2004
First Named Inventor	Dany F.M. Michiels
Art Unit	1774
Examiner Name	Merrick L. Dixon
Attorney Docket Number	9292

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

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a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☒ Other Petition for Extension of Time (2 mos.)

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a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees**

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a. ☒ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 04 -0500. I have enclosed a duplicate copy of this sheet.

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Charlotte C. Wilson</i>	Date	October 3, 2005
Name (Print/Type)	Charlotte C. Wilson	Registration No.	45,224

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Signature	<i>Charlotte C. Wilson</i>	Date	October 3, 2005
Name (Print/Type)	Charlotte C. Wilson		

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor Application of: Dany F.M. Michiels
Application No.: 10 / 815,343
Filing Date: April 1, 2004
Title: **COMPOSITE ARTICLE AND ITS MANUFACTURE**

Examiner: Merrick L. Dixon
Group: 1774

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

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Signature: Charlotte C. Wilson
Name: Charlotte C. Wilson, Agent for Applicant

Date: October 3, 2005

Dear Sir:

PETITION FOR EXTENSION OF TIME

Petition is hereby made under 37 CFR §1.136 for an extension of two (2) months in which to respond to the Final Office Action dated May 3, 2005. Acceptance of this petition will extend the time to respond to the Office Action to October 3, 2005.

Please charge the \$450.00 fee and any additional fees necessary for these papers to Deposit Account Number 04-0500.

Applicant hereby requests any additional time required to make these papers timely, and authorization is hereby granted to withdraw any additional fees necessary for this additional time from Deposit Account Number 04-0500.

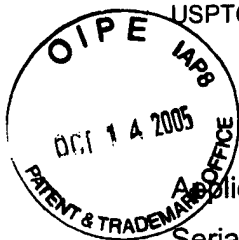
Respectfully submitted,

Charlotte C. Wilson

Charlotte C. Wilson
Agent for Applicant
Reg. No. 45,224
Ph.: (864) 503-2194
Fax: (864) 503-1999

Date: October 3, 2005

Legal Department
Milliken & Company, M-495
920 Milliken Road
Post Office Box 1926
Spartanburg, SC 29304



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Dany Felix Maria Michiels
Serial Number: 10 / 815,343
Filed: April 1, 2004
For: **COMPOSITE ARTICLE AND ITS MANUFACTURE**

Group Art Unit: 1774
Examiner: Merrick L. Dixon

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (R.C.E.)

UNDER 37 CFR 1.114

Dear Sir :

Applicant hereby requests continued examination, in accordance with 37 CFR 1.114, for the above-identified application.

TIME REQUEST IS BEING MADE

This request is being submitted prior to abandonment of the application and after receipt of a final action by the Office, such Final Office Action being mailed May 3, 2005. This response is accompanied by a Petition for Extension of Time (two months), extending the time to respond until October 3, 2005.

ENCLOSURES

Enclosed herewith are an amendment to the claims with accompanying remarks and arguments in favor of patentability.

FEE FOR REQUEST

This response is accompanied by a Request for Continued Examination Transmittal form (PTO/SB/30, revised 4/05), and a copy thereof, authorizing the withdrawal of the RCE fees, extension fees, and other fees as may be required from Deposit Account No. 04-0500.

INVENTORSHIP

This application, as amended, names as inventor the same inventor as previously designated for the claims.

RESPONSE

Please consider the following Remarks for entry of record. Favorable reconsideration of the pending Claims in light of such remarks is respectfully requested.

AMENDMENT

1. (Cancelled)
2. (Currently amended) A composite article comprising a silicone rubber matrix reinforced with polyaramid textile, wherein said polyaramid textile is bonded to said silicone rubber by means of a bonding composition, said bonding composition comprising an acryloxy organosilane, ~~in which~~ after said polyaramid is has been activated with at least one of an epoxy compound and a plasma.
3. (Previously presented) A composite article according to claim 2 in which the polyaramid is a p-phenylene polyaramid.
4. (Previously presented) A composite article according to claim 2 in which said bonding composition further comprises an epoxy organosilane.
5. (Original) A composite article according to claim 4 in which said bonding composition further comprises a vinyl organosilane.
6. (Previously presented) A composite article according to claim 2 in which said organosilane is a trimethoxy silane.
7. (Previously presented) A composite article according to claim 2 in which said polyaramid textile comprises polyaramid single end or cabled cords.

8. (Previously presented) A composite article according to claim 2 in which said polyaramid textile is a weft insertion warp knit fabric having polyaramid weft and/or warp yarns.
9. (Currently amended) A process for manufacturing a polyaramid reinforced silicone rubber article comprising the steps of:
 - a) Selecting a polyaramid textile,
 - b) activating the polyaramid textile with at least one of an epoxy compound, ~~and/or~~ optionally activating the polyaramid textile with and a plasma,
 - c) Dipping the polyaramid textile into an organosilane dip comprising acryloxy organosilane, and
 - d) Bonding the dipped polyaramid textile to silicone rubber.
10. (Original) A process according to claim 9 wherein said organosilane dip further comprises an epoxy organosilane.
11. (Original) A process according to claim 9 wherein said organosilane dip is an aqueous dip.
12. (Original) A process according to claim 9 in which epoxy activation is followed by plasma activation, which is, in turn, followed by the organosilane dipping step.
13. (Original) A process according to claim 12 in which said plasma activation comprises an air plasma.

14. (Original) A process according to claim 13 in which said plasma activation comprises an air plasma further including water as an aerosol.
15. (Original) A process according to claim 9 in which said organosilane dip further comprises an amino functional organosilane.
16. (New) A process according to claim 13 in which said plasma activation comprises an air plasma further including epoxy as an aerosol.

ARGUMENT FOR PATENTABILITY

Rejection under 35 USC 103

Claims 2 – 8 are rejected under 35 USC 103(a) as being unpatentable over Li et al. (US Patent 6,686,301) for the reasons set forth in the previous Office Action (reiterated below). Applicants note that the Final Office Action lists Claim 1 as also being rejected, although Claim 1 was cancelled in Applicant's response mailed February 22, 2005.

The Examiner presents the following argument in his rejection of the Claims:

"The cited reference teaches the basic claimed invention including a composite article comprising a silicon rubber matrix, reinforced with polyaramid textile bonded thereto by organosilane. It is submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize acryloxy organosilane bonding composition in the absence of unexpected results."

The Examiner has cited a passage from the Li reference, which reads as follows:

"Pre-activated textiles, such as polyester fibers coated with an epoxy adhesion enhancer, are typically used in combination with an RFL treatment to further improve the textile adhesion to rubbers." (Col. 1, lines 57-60)

This passage, taken from the "Discussions of the Prior Art" section, suggests the combination of an epoxy adhesion enhancer with a resorcinol-formaldehyde latex (RFL) to improve adhesion. The combination does not contemplate the use of an epoxy or a plasma to activate the polyaramid, and further does not suggest the use of such activating compounds in the absence of a latex treatment. The remainder of the Li reference is directed to describing and claiming a

combination of silane compounds (e.g., amine-functional silanes and organo-functional silanes) for promotion of adhesion between a textile and rubber.

Nothing in the reference suggests that the Li bonding composition, containing two components, could be modified to provide only one component and that this singular component could be used on a polyaramid that has been activated by an epoxy compound and/or a plasma. Further, of the plurality of compounds mentioned in the Li reference, there is nothing that would indicate the compounds used by the Applicant (i.e., acryloxy organosilanes) are capable of use in this manner, and particularly alone in this manner.

In his response, the Examiner equates "aminosilanes" (Col. 2, line 3) with the presently claimed acryloxy organosilanes. However, the compounds are not equivalent. If aminosilanes and organosilanes were equivalent and interchangeable, as suggested by the Examiner, then Applicant submits that the Li reference would not have explicitly separated those compounds into two categories (see Col. 2, lines 24-62). Additionally, in the list of groups associated with the organo-functional silane, acryloxy groups are not mentioned.

Because the reference does not teach all of the limitations of Applicant's claims, Applicant submits that the rejection of Claims 2-8 is improper and respectfully requests that it be withdrawn.

* * *

Claims 9 – 15 are rejected under 35 USC 103(a) as being unpatentable over Li et al. (US Patent 6,686,301) in view of Morin et al. (US Patent 6,497,954) or Morin et al. (US Patent 6,096,156).

The Examiner's argument is essentially as follows:

“Applicant's amendment [of February 2, 2005] now calls for the claim to include plasma activation for the textile rubber bond. Each reference to Morin et al. teaches that it is known in the art to utilize plasma means to activate bonding between textile and rubber material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of either reference to Morin et al. and utilize such plasma type activation between the textile and rubber material, as taught by each reference, to enhance the respective bonding therebetween.”

The shortcomings of the Li et al. reference are described above, specifically, that Li fails to teach the use of acryloxy organosilanes to treat a polyaramid that has been activated by an epoxy and/or a plasma. The Morin references describe the use of plasma pre-treatment in association with RFL application to enhance the bonding between the textile surface and rubber.

None of the references teaches the process of activating a polyaramid textile with at least one of an epoxy compound and a plasma, dipping the activated textile into a composition comprising acryloxy organosilane, and bonding the dipped textile to silicone rubber, as presented in Applicant's Claim 9.

Because the reference does not disclose all of the limitations of Applicant's claims, Applicant submits that the rejection of Claims 9 – 15 is improper and respectfully requests that it be withdrawn.

Response to Examiner's Comments

The Examiner indicated that the Applicant submitted the requirements for the joint research agreement prior art exclusion under 35 USC 103(c) on February 2, 2005, thereby prompting the new grounds of rejection. Applicant can find no such invocation of 35 USC 103(c) in the record. Furthermore, it is not clear to Applicant that the Examiner has indicated that the rejections in the present application are based solely on obviousness-type double patenting, thereby necessitating the submission of one or more terminal disclaimers under 37 CFR 1.321(d). Should such disclaimers be necessary, Applicant would appreciate formal notice thereof, so that a suitable response may be prepared.

CONCLUSION

In view of all of the previous remarks, it is respectfully requested that the Request for Continued Examination be accepted and the above amendments and remarks be entered. Applicant respectfully submits that this application is now in condition for allowance. Entry of this Amendment and issuance of a Formal Notice of Allowance is courteously solicited.

Should any issues remain after consideration of these Remarks, the Examiner is invited and encouraged to telephone the undersigned in the hope that any such issue may be resolved promptly and satisfactorily.

This response is accompanied by a Petition for Extension of Time (two months). In the event that there are additional fees associated with the submission of these papers (including extension of time fees), authorization is hereby provided to withdraw such fees from Deposit Account No. 04-0500.

Date: October 3, 2005

Legal Department
Milliken & Company
920 Milliken Road, M-495
Post Office Box 1926
Spartanburg, SC 29304

Respectfully submitted,



Charlotte C. Wilson
Agent for Applicants
Registration No. 45,224
Tel. (864) 503-2194
Fax (864) 503-1999

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being sent via facsimile transmission to (571) 273 - 8300 to the Commissioner for Patents, Post Office Box 1450, Alexandria, VA 22313-1450 on the date shown below, along with a Petition for Extension of Time and a Request for Continued Examination Transmittal form (PTO/SB/30).

Signature: Charlotte C. Wilson
Name: Charlotte C. Wilson, Agent for Applicant

Date: October 3, 2005



Paper Friendly

10/815,343 Composite article and its manufacture

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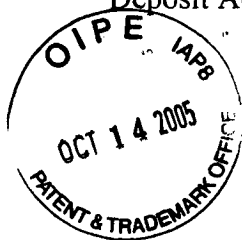
Mail Room Date	Document Description	Page Count
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02-22-2005	Fee Worksheet (PTO-875)	1
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02-22-2005	Claims	3
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10/03	1	10424024	5616	1814	\$130.00	\$51,372.00
10/03	2	10424024	5616	1814	\$130.00	\$51,242.00
10/03	3	10424024	5616	1814	\$130.00	\$51,112.00
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10/03	9	09875487	5127	1401	\$500.00	\$50,492.00
10/03	37	10640588	5072A	1801	\$790.00	\$49,702.00
10/03	38	10640588	5072A	1251	\$120.00	\$49,582.00
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10/11	604	10551410	9265	1615	\$100.00	\$61,262.00

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